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4   **UNITED STATES DISTRICT COURT**

5   **DISTRICT OF NEVADA**

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7   JERRY LYNN O'NEAL,   )
)
                      Plaintiff,   )
8   )   3:13-cv-00041-RCJ-VPC
)
           vs.   )
9   )
)
      ALLSTATE INSURANCE et al.,   )   **ORDER**
10   )
                      Defendants.   )
11   _____   )

12   Pending before the court is pro se Plaintiff Jerry O'Neal's Application to Proceed In

13   Forma Pauperis (ECF No. 1).   The affidavit indicates that Plaintiff has no income or assets,

14   except an unspecified amount of disability or worker's compensation benefits, and that his

15   monthly expenses total $1700 plus the support of two children. The Court grants the motion and

16   screens the Complaint. *See* 28 U.S.C. § 1915. The Court dismisses the Complaint because it

17   fails to state a claim. *See id.* § 1915(e)(2)(B)(ii). Specifically, the Complaint is predicated upon

18   allegations that the four defendant insurance companies defrauded the United States and the State

19   of California with respect to Medicare, Medicaid, and/or California state welfare programs

20   and/or used California's judicial processes maliciously in order to deprive him of benefits under

21   one or more of these programs.

22   The Court cannot say that Plaintiff cannot cure the Complaint by amendment, but the

23   Complaint currently makes out no comprehensible claim. First, Plaintiff invokes several

24   criminal statutes, which he may not privately prosecute. Second, Plaintiff invokes 42 U.S.C.

25   § 1983 but has only named private companies as Defendants. Plaintiff may be able to state a

1 claim for abuse of process under state law or a claim under the False Claims Act, for example,

2 but he has not yet stated such claims. The Court will therefore dismiss, with leave to amend

3 within thirty days.
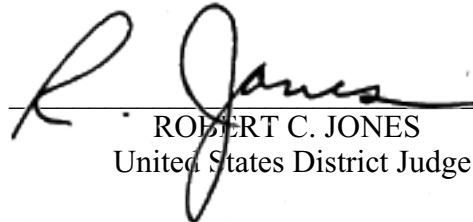
CONCLUSION

5   IT IS HEREBY ORDERED that the Application to Proceed In Forma Pauperis (ECF No.

6 1) is GRANTED.

7   IT IS FURTHER ORDERED that the Clerk shall file the Complaint.

8   IT IS FURTHER ORDERED that the Complaint is DISMISSED, with leave to amend for

9 thirty (30) days from the date of the entry of this Order into the electronic docket.

10   IT IS SO ORDERED.

11 Dated this 6th day of March, 2013.

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13   ROBERT C. JONES
                   United States District Judge

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